

October 10, 2006

**I. Call to Order/Roll Call/Opening Ceremonies**

Chairman Alex Vispoli opened the Regular Meeting of the Board of Selectmen on Tuesday, October 10, 2006 in the Public Safety Center - Training Room at 6:00 p.m. Chairman Vispoli noted that this was their first meeting here in the new Safety Center. He thanked both Chiefs Pattullo and Murnane for the availability tonight. Present at the meeting were: Selectmen Lyman, Teichert, Major and Chairman Vispoli. Selectman Hess joined the meeting shortly thereafter. Also present were Town Manager Buzz Stapczynski and Town Clerk Randall Hanson. During the moment of silence the Manager asked to remember Janice Hayes, wife of Retired Fire Chief Harold Hayes who passed away in Florida recently. Recording Secretary Elizabeth A. Kochakian took these minutes. This meeting was duly posted and cablecast live.

**II. St. Augustine School's Crossing Guards**

Chairman Vispoli said they are meeting tonight to deliberate and vote as a Board on the proposed language that was developed around the funding of the crossing guards at St. Augustine's School at the last meeting of the Selectmen. He thanked the folks from St. Augustine's that have been a part of the meetings, School Committee representatives that have participated in the meetings, folks on the floor, Chief Pattullo and the Town Manager, and a whole host of others that have been coming to the meetings.

Chairman Vispoli said they wanted to wait until tonight to get some feedback from the Finance Committee. They put together a proposal that would fund crossing guards for one year. Based on the line item 330 in the budget, which is the transportation budget where the crossing guards come out of the School Budget, that the positions would get funded out of there. If there were a deficit at the end of year, the Town would find a way whether it is the reserve fund or some other funding vehicle to make it up that way. Tonight they wanted to meet with the Finance Committee to get their ideas and thoughts on it. The School Committee will be voting on this tonight at their meeting after they meet with the Selectmen.

At this time, members of the Finance Committee came into the meeting. Chairman Vispoli read the proposed language from the last meeting. Chairman of the Finance Committee Joanne Marden said the problem they have with the language is the recommendation of a reserve fund transfer. She explained that the Reserve Fund is for emergencies and for unforeseen expenditures. There is nothing unforeseen about an expenditure that was specifically eliminated from a budget prior to its being approved by Town Meeting. She said there are no mechanisms to transfer monies between town meetings but if all three boards have agreed that that they will go to town meeting with a supplemental appropriation or transfer from one budget to another in the spring, and then money will be allowed to be spent in the meantime. Whether it should be a supplemental appropriation as from free cash or in the spring part of a package of transfers from one budget to another, she was not sure what the best way was to do it for now. Ms. Marden said it is a small enough number; there should be no risk involved. It was noted that this was for the school year 2006-2007 and will have to be discussed again for next year's budget.

Mary Carbone said it was her personal opinion as a resident that the crossing guards at the St. Augustine's School should be continued in perpetuity in the school budget and not be a short term issue. Selectman Major agreed with Ms. Carbone and that it was his understanding from what Town Counsel said that this should be a long-term issue.

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II. St. Augustine School's Crossing Guards (Cont.)

It was moved by Selectman Major that when the School Committee agrees to provide crossing guards at St. Augustine's School, at two locations School Street and Central Street, through the school year 2006 and 2007 and a deficit occurs in the crossing guard account, account 330 at the end of said school year, then the Board of Selectmen will agree to support a Town Meeting transfer of funds requested by the School Committee to cover the deficit caused by the two St. Augustine School's crossing guards. Selectman Teichert seconded the motion.

After discussion, the motion was voted and passed 4-0.

Selectman Hess arrived at this time.

III. NESDC Presentation

Consultants Donald Kennedy and Ken DeBenedictis of the New England School Development Council were present at the meeting to make a presentation on their August 2006 school space needs study entitled "Demography, Enrollment Projections, School Capacities - Andover, Massachusetts".

Chairman Vispoli welcomed them to the Public Safety Center. At this time he asked that the Chairs of the School Committee as well as the Finance Committee to introduce their members that were Present this evening. They were:

School Committee: Anthony H. James, Chairman, Arthur H. Barber, Richard J. Collins, David S. Samuels, and Debra R. Silberstein.

Finance Committee: Joanne Marden, Chairperson, Cindy Milne, Timothy L. Felter, Mary O'Donoghue, Stuart Jon Stumpf, Mark Merritt, and Richard T. Howe.

Superintendent of Schools Dr. Claudia Bach first thanked the Board for having them present tonight at the School's request. She said that starting more than a year ago they had the New England School Development Council (NESDC) begin to do this project for them. The School Committee as well as administration at that time was concerned about their facilities and enrollment. The information they developed was in a handout that she passed out. After their presentation, Dr. Bach said she would give the Selectmen a proposal to think about as a next step after this presentation.

Donald Kennedy first appeared before the Board and spoke to the highlights of the 84-page report NESDEC had prepared. He noted they got a lot of cooperation from the staff at Town Hall in preparing this report. After he speaks, he said that Kenneth DeBenedictis would focus on the crowding issues at the schools. A brief summary of the report was as follows:

- Andover Population: 31,000 people in 2000; 33,042 in 2005. The other towns in the area are not growing as fast.
- Andover's growth rate was 1.1% per year between 2000 and 2005. It was much greater than nearby towns.
- Two things have been happening at once; Andover has been getting additional people who are baby boomers or people going into retirement; also growing the school age population at the same time.
- The anticipated growth between 2010 to 2020, expecting growth in the senior citizen population 35.6%.

III. NESDC Presentation (Cont.)

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- 57% of the people in 2000 who were not there in 1990; a lot more turnover than you usually see.
- Building permits most recently show a lot of multi unit construction.
- There is some slow down in real estate sales in Andover; a lot more in the region. January to August of this year Andover has sold 125 condos compared to 160 last year at this time.
- On single-family homes, 245 have been sold in Andover January through August compared to 310 in 2005; however, the 245 was a respectful number.
- In 2000, Andover had .51 school age children enrolled in Andover public schools, about half as many kids as there were dwelling units (5,900 kids in 11,600 dwelling units). That is greater than the ratio of the state which is .37.
- Births have been fairly steady. Enrollments over the last 10 years and up to the fall of 2005 has grown from 5456 to 6036 and actually grown a little more by this fall. It used to be the relationship between births and kindergarten that was an important feature. Still somewhat important but less than other communities because the number of kids move in a little later as homes get more expensive.
- Over the last 10 years as group of kids move from grades 1 and 2 to grades 2 and 3, in 1995 there were 947 in grades 1 and 2; that group grew to 948 kids. In 2004, in grades 1 and 2 there were 877; that same group of kids by the time they got in grades 2 and 3, 32 additional kids moved in so it was a 104% increase. In most communities it has been found that the most stable grades were in the middle elementary grades and no earlier than the 1st grade.
- It isn't just births pushing up the numbers it is also the moving factor that people can't afford to come to Andover as soon as they are going to give birth. It isn't until after kids are in school that they can afford to make the move.
- There is also a group of people about 40 or 50 who don't go to the Andover public schools. In some years when a complete survey has been done, they found these kids already live here and the parents are paying taxes. If anything would happen in the economy, they may show up on the steps of Andover schools.
- The enrollment projection shows about 5980 last fall and they project it is going to go up a little. They think there is going to be a number of movements.
- Although this report was done a few months ago they now have new data and have discovered they projected 22 kids too few in the elementary schools; 22 too few in the middle schools; and 10 too few in the high school. If anything, he said they are on the conservative low side and more kids are turning up in the Andover public schools.
- There were 1,784 students in the high school this year, which is already overcrowded. They project additional kids to be there 10 years out. The worst bad news is that two other groups Miser and MAPC both anticipate more high school kids and more middle school kids than NESDC does. In fairness, they anticipate fewer elementary kids than we do.

III. NESDC Presentation (Cont.)

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- There is information in the report about the yield from different types of affordable housing. They know from experience when additional kids move in 70% of them in market situations will be elementary school students; 60% in rental situations.
- The capacity of school buildings has shrunk with the change in educational programs. If you have school buildings that were built before the age of computers, 30-40 years old, there weren't any computers in the schools at that time. 5 computers and a printer take up more than 100 sq. ft. of space in a classroom. Similarly, 30-40 years ago there were very few special education students, nor kids in wheel chairs or with assisted aides, adults helping them. All these additional children and their helpers are a positive sign what public schools are expected to do but it also takes up square footage. For a number of reasons, these changes in educational programs mean that a school that once housed 500 students today may be overcrowded at 400.

Ken DeBenedictis then came forward to talk about inappropriate undersized spaces to show that they need about 35-37 additional classrooms. He said the issues in Andover are basically under two categories; 1. Many classrooms are undersized. As a result there are more children in those classroom spaces that would be appropriate. 2. Placing children in spaces that are inappropriate for instruction. Most of that is due to the use of Special Education programs and children who require those kinds of supports. He then went over some of the classroom situations in the schools in Andover.

Bancroft Elementary School: Contemporary style - 6 large open space classrooms designed to house 3 classrooms of children. Through use discovered inappropriate because of distractibility issues. As a result having not 3 classrooms but 2 and placed 4 modular classrooms outside of the building that are not connected to the main building. Closet spaces are being used for classrooms; twelve special education classrooms which is inappropriate for children for any kind of learning instruction. This is a serious problem.

Sanborn Elementary School: 2 modular classrooms, which are usually designed for temporary instruction. The life of a modular is 3-5 years. In Andover they have exceeded that by many more years. One is used for the Special Education Program and the other the Health Education Program.

Shawsheen Elementary School: A very lovely school, staff is hard working and creative people and they have a wonderful administrator. The building is very inappropriate for instruction because it is very small. The classroom space is not aligned with what should be provided for today's education; all the special education facilities are very inappropriate.

South Elementary School: Converted closets are being used for special education that is inappropriate. You need at least four more classrooms.

West Elementary: One of the fewer elementary schools that does provide the needs of children; appropriate space, special education facilities do provide for the children. It does meet with needs and necessities.

III. NESDC Presentation (Cont.)

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High Plain Elementary School: One of the newest elementary schools. It has run out of space. It is short by three classrooms, art, special education and health and using some adjacent space at Wood Hill Middle School for that. For some of the primary classrooms, those spaces are 750 sq. feet and should be in the vicinity of 1,000/1200. So for the elementary primary age children you have undersized spaces.

Wood Hill Middle School: It is adjacent to High Plain so that the children in High Plain can access that school for those classrooms.

Doherty Middle School: An older building that had a lot of work done over time. It does meet the needs of children in the terms of classrooms. There is a problem or two with special education spaces as well as with administration spaces.

West Middle School: It is an older middle school; had renovation and work done in the media center. Does have need for a nurse's area.

High School: Over time this school has had quite a bit of attention. Problems at the high school are as follows: Cafeteria is too small; it is a very crowded situation. The TV Production room is undersized and very crowded; not much space for students walking around. The Media Center should be for media only; because of lack of space, they also have a technology lab in the Media Center. It is a very crowded facility; little space for movement, free discussion, and small group work. Many of the classrooms are undersized; the classroom spaces are 7-750 square feet, very small for that many adult size bodies. The classrooms are being used for up to 90 minute blocks; teachers do a nice job with that but because of the crowded conditions they don't have the flexibility of movement that extended flexible block scheduling would require. More space is needed.

Mr. DeBenedictis concluded his presentation. He said if he were to identify the schools most in need based on the above, he would prioritize them to be the Shawsheen School. Bancroft Elementary, South Elementary and the High School. If you were to add up all of the spaces that they identified as needed, they would need 30 classrooms to address and correct the problems. Mr. Kennedy said the School Committee is taking this under advisement and will be discussing this and trying to go the next step. They are hoping that these fact-findings will be useful in the School Committee's discussions.

Chairman Vispoli thanked them both for their presentations. Questions followed. In answer to Selectman Teichert, Mr. Kennedy said if you had a place to put the 9<sup>th</sup> grade and had only 3 grades at the High School, then the building would work. In answer to the Town Manager, if at the high school would a change from the block-scheduling make any difference with the use of the classrooms, Mr. Kennedy said he didn't think so. He said it makes it more challenging for the teacher to have a large group of kids in a space too small for a longer period of time but if you change the schedule and had a traditional 7-hour day, he didn't think it wouldn't make a difference. You still wouldn't be correcting the issue of small group instruction spaces that they don't have. The Manager felt that at least, they would have opportunity for less overcrowding in the cafeteria because they would be sequencing the kids through in a faster rate. Mr. Kennedy agreed that perhaps the cafeteria would be one exception.

**III. NESDC Presentation (Cont.)**

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Dick Howe asked how do these problems compare to other communities since they have done a decent amount of investment in infrastructure. Mr. Kennedy answered that Andover is doing a wonderful job educating the kids in spite of these issues; other communities have similar problems and at various stages addressing these issues. He said that Andover has to ask itself could they continue to educate the children the way they do or should they begin addressing the problems? He felt they should.

Mary Carbone asked if there was any consideration to the number of kids in private schools that the parents pay taxes in the community. Mr. DeBenedictis said there was and that there are fewer kids that go to private schools in Andover than in many of the other suburbs that Andover is part of. He said about 10% of the students at the high school level are in the private school sector. That is less than most communities in the area. People are staying in the high school so you have a problem now with population. Dick Collins said he taught at Andover High School when it was a 3-year high school; in more recent years it became a 4-year high school. It is not built for the number of kids there.

After all discussion, Dr. Bach thanked both gentlemen for their presentations. She also took the opportunity to thank Mark Johnson for being here tonight. She said he led the Building Committee for many years building the two newest schools. She remembered at the time that they both went to over 100 different coffees and gatherings to talk about the new schools. At every single one they made the point what they were doing was projecting out a building of schools for 10 years and anticipating in 10 years to have to talk about it again. She said that is where they are now and on target to talking about this.

On behalf of the School Committee, Dr. Bach suggested that a Task Force be formed made up of representatives from the School Committee, Board of Selectmen and Finance committee, two members each; also, parent representatives from each level; superintendent and or business administrator; and community representatives. The purpose of the Task Force was contained in a letter to the Board of Selectmen from the School Committee and Superintendent dated October 10, 2006. A copy of that letter was made available at the meeting. Also passed out was the Statement of Interest Form to be submitted to the Massachusetts School Building Authority.

Dr. Bach asked that this matter be discussed on the Selectmen's agenda for their next meeting.

Chairman Vispoli called forward at this time the Chairman of the School Committee Tony James to make an announcement. Mr. James said that over the past 24 hours, he and Chairman Vispoli have met with the President of Merrimack College, Richard Santagati who had some news for them for which they are very grateful. Mr. Santagati informed them that Merrimack College has agreed to provide a grant of \$50,000 annually from this point on for the next fiscal year to Andover as well as North Andover specifically for hiring of a teacher. He said this is a remarkable gesture on behalf of Merrimack College and represents a major financial commitment, this will continue forever. He said this should be in the news today.

**IV. Communications/Announcements/Liaison Reports**

Town Manager Stapczynski:

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- The Manager said they had an exiting event last week thanks to Mary Lyman and the senior citizens and their Andover Twinning Association. They had an opportunity to meet with Jack and Joan Taylor and their friends, 7 couples, from Andover, England who were here in Andover visiting. He thanked Mary Lyman for opening her house for an evening of enjoyment with the visitors. The Manager said their friends from England presented the Selectmen with mementos of their visit to them.
- Last Saturday the Fire Rescue Department had a successful Fire Prevention Open House here in the Public Safety Center. He thanked Chief Murnane and the Fire Prevention Officer Todd Pomerleau for putting that event together.
- They received word this past week that John Doherty, Veterans Agent, a participant in the American Red Cross Program was awarded the American Red Cross Claire Barton Honor award this year. He congratulated John Doherty for receiving that award.
- The CIP will be out October 27 so the next couple of weeks the staff will be working on the projects and pulling the document together for the review of the Board, Finance Committee, and School Committee.
- The League of Women Voters is having a Proposition 2.5 informational Forum at the Old Town Hall on October 26, 2006. More information will be coming on that.

Selectman Alex Vispoli:

- They had the first meeting of the chairs from the School Committee, Finance Committee and Selectmen last week to start the official kick of process of the 2008 budget reviews. He said that Tony Torrisi, Finance Director, is working on where the town stands. Their objective is to try to gather all the information they can and make some progress earlier this year.
- Attended the Chamber of Commerce breakfast last week. The Taste of Andover is coming up the first week in November. Also, Andover is hosting a meeting with the I-93 Task Force with Tewksbury, Wilmington and Andover on Thursday morning at Memorial Hall Library at 8:00 a.m. They will try to craft some useful agreed upon next steps for the potential I-93 interchange in Lowell Junction. The three towns are committed to work together and meet on a regular basis.

V. Approval of Consent Agenda Items

A. Appointments and Re-appointments

It was moved by Selectman Hess that the Board approve the following appointments by the Town Manager:

V. Approval of Consent Agenda Items (Cont.)

A. Appointments and Re-appointments (Cont.)

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DEPARTMENT	POSITION	RATE	EFF. DATE
COMMUNITY SERVICES DIVISION			
Meredith A. Alves	Counselor - PT	C2A	9/25/06
Amanda E. Burke	Counselor - PT	C2A	9/22/06
Nicholas A. Tassinari	Counselor - PT	C2A	9/18/06
POLICE DEPARTMENT			
Rose M. Flanagan	Program Assistant - PT New Horizons Program	\$15/hr.	10/11/06
DEPARTMENT OF PUBLIC WORKS - Highway Division			
Robert J. Charette	Equipment Operator (v. L. Park)	IIW4-4-0	10/10/06
John Young	Equipment Operator (v. R. Charette)	IW3-2-0	10/16/06

The motion was seconded by Selectman Major, voted and approved 5-0.

B. Common Victualler Licenses

It was moved by Selectman Major that the Board approve the request for Brian Kahaley, LPN Holding, 24 Main Street, Maynard, MA, for a Common Victualler license for use at Eisai Research Institute, 4 Corporate Drive, Andover. The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses

The motion was seconded by Selectman Lyman, voted and approved 5-0.

Also, it was moved by Selectman Major that the Board approve the request of Debbie Telios, 8 Iroquois Avenue, Andover, for a Common Victualler license for use at the Andover Deli, 22 Andover Street, Andover. This application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Teichert, voted and approved 5-0.

C. Charitable Wine Pouring Licenses

It was moved by Selectman Teichert that the Board approve the request of Elaine Clements, Andover Historical Society, 97 Main Street, Andover, for a Charitable Wine Pouring license for use on Friday, November 3, 2006 from 7:00 P.M. to 10:00 P.M. at the Andover Country Club. The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

V. Approval of Consent Agenda Items (Cont.)

C. Charitable Wine Pouring Licenses (Cont.)

The motion was seconded by Selectman Lyman, voted and approved 5-0.



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Also, it was moved by Selectman Teichert that the Board approve the request of Beth Dimitruk, Merrimack Valley Hospice, 360 Merrimack Street, Lawrence, MA, for a Charitable Wine Pouring license for use on Friday, November 3, 2006 at 7:00 P.M. at the Andover Country Club. This application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

The motion was seconded by Selectman Hess, voted and approved 5-0.

D. One-Day Beer & Wine License

It was moved by Selectman Lyman that the Board approve the request of Elder Services Director Katherine Urquhart, Andover Senior Center, 36 Bartlet Street, Andover, for a one-day beer & wine license for use on Saturday, October 28, 2006 from 7:00 P.M. to 9:00 P.M. for a flood relief fundraising event at the Andover Town House. This request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

The motion was seconded by Selectman Hess, voted and approved 5-0.

Selectman Lyman, speaking on behalf of the seniors, said the group would like to have the Selectmen present and to serve as hosts for the evening. Tickets are available at the Senior Center at \$50 a ticket; proceeds will go to the people in Washington Park affected by the flood back in May and who are still not in their homes.

Later in the evening, Katherine Urquart, came to the meeting and explained the event in further detail. With her was Linda Kupka and Donald Robb who are both on the committee for the fundraising event. Ms. Kupka talked about the committee that was formed because of the flood they had last Mother's Day in Andover. She said the Senior Center is one part of the Committee; it is also made up of community folks, corporations, i.e., Marland Place, and Free Christian Church. Ms. Kupka then showed the DVD Free Christian Church made and showed to their congregation. It featured two ladies who were affected by the flood and how they were moved by the support they received from the Free Christian Church.

Mr. Robb explained the different fund raisings they have been doing so far. He said they have collection cans out in the stores in town and have raised so far about \$1,200. On October 28, they are planning a concert at the Andover Town House, the request approved this evening. Mr. Robb said that most of the townspeople didn't realize they have senior citizens who can't fend for themselves. He said that tickets for this fundraiser would go on sale Saturday at the Senior Center as well as in local banks. He hoped the Selectman would accept the invitation to host the event. Secondly, he asked that the Selectmen sign a certificate of "Good Citizens" that they can give to the various groups who are donating their talents to the evening. Finally, he asked that they bring this message to all their friends and acquaintances. Mr. Robb closed by saying he hoped to see everyone there on October 28 at the Old Town Hall.

V. Approval of Consent Agenda Items (Cont.)

E. Holiday Parade (Cont.)

It was moved by Selectman Teichert that the Board approve the request of Firefighter Michael Dalton, Chairman of the Andover Firefighters Holiday Parade Committee, for permission to hold the annual Holiday Parade on Sunday, November

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26, 2006 from Noon to 2:00 P.M. (rain/snow date is Sunday, December 3, 2006). They are also requesting the use of the Doherty Middle School parking areas and permission to block off Whittier Street to Elm Street, Elm Street to Main Street, Main Street to Punchard Avenue and Punchard Avenue and Bartlet Street for the parade route. Arrangements have been reviewed and approved with conditions by the Police Department.

The motion was seconded by Selectman Lyman, voted and approved 5-0.

F. Verizon Contract

The Manager distributed to the Selectmen a copy of the letter from Verizon that Atty. Bill Solomon had mentioned a week ago. Selectman Hess explained there was a question when dealing with the Verizon contract as to the collection fees, pass through fees, that are given to the town. This is confirming that they will be collecting that. The Manager said that Comcast and Verizon will be on a level playing field so that they both will understand from this letter what the definition of gross revenues are; gross revenues without any exclusions. There was some discussion on the part of Verizon to exclude a contribution they were making. He said the gross revenues are strictly that, gross revenues and this supports that.

Chairman Vispoli read the letter of agreement. It was moved by Selectman Major to approve and sign the letter of agreement for the Verizon cable license contract. The motion was seconded by Selectman Hess, voted and approved 5-0.

G. Raytheon Agreements

The Manager explained that the Selectmen had previously signed agreements with Raytheon Company for a traffic signal design and traffic signal at their entrance on Lowell Street. He said that Raytheon does not own the real estate they are on; it is owned by a holding company. This resigning acknowledges that Raytheon will maintain the light as long as they are there. If they were to move, there will be a site plan review and opportunity to see who picks up the maintenance and long term obligation of the traffic signal device at that time. The present agreement was that Raytheon would maintain the traffic light in perpetuity. The Manager said this revised agreement says as long as they occupy the site. Town Counsel Urbelis said the difference is that the original agreement has Raytheon as the owner but if Raytheon moves out there may not be a need for a light there. The provision in this agreement is if they move out and the Town decides that the light will stay there the town will pay for the cost to maintain it.

After a discussion, it was moved by Selectman Lyman that the Board approve the revised Agreement between the Town and Raytheon Company for the installation of a traffic signal at the intersection of Lowell Street (Route 133) and the Raytheon Company driveway. The motion was seconded by Selectman Teichert voted and approved 5-0.

V. Approval of Consent Agenda Items (Cont.)

H. One-Day Beer & Wine License

It was moved by Selectman Lyman that the Board approve the request of Anne Mantsios, Dino International Furs, 33 Main Street, Andover for a one-day beer and wine license for use on Thursday, October 19, 2006 from 11:00 a.m. to 7:00 p.m. at her place of business for a customer appreciation gathering. The application

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has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

The motion was seconded by Selectman Teichert, voted and approved 5-0.

VI. Citizens Petitions and Presentations

A. Youth Services Director Bill Fahey: Presentation on New Orleans Trip

Bill Fahey appeared before the Board with members of Youth Services to speak on the trip they recently made to New Orleans to help the flood victims in the 9<sup>th</sup> ward of New Orleans. Pictures from their trip were shown on the screen in the background during the presentation by Kevin Hess from the group. Mr. Fahey thanked the Selectmen and the Manager for the opportunity to make this presentation. He said they had a very interesting experience over the summer when they took a group of 20 to New Orleans. A couple of the members of the group are students who are now away at college, some were at band practice, and those present this evening helped with the presentation. They were: Jake Gostanian, Avery Mackenzie, Lauren Miller, Greg Cook, Adrian Culver, Ellis Heneghan, John Baroni and Kevin Hess.

Mr. Fahey explained how this group came together. He said the trip was a former student's idea, Paul Caradonna's. He thought it would be a good gesture to go and help their neighbors in New Orleans who were affected by Hurricane Katrina and displaced from their homes. When approached with the idea, Mr. Fahey told Mr. Caradonna that he would go for it if he could organize the trip and pay for the trip. He did that and so they slowly put together a group to lead the trip, people who grew up in Andover, teachers, and then some students. He personally thanked the Town Manager who gave his full support of the project.

Lauren Miller said they stayed at St. Mary's that is a catholic school. As long as you were helping out, people were allowed to stay there. It was in the 9<sup>th</sup> Ward in the 12 wards that are inner city New Orleans and was affected the most. It was in the poorest neighborhood where all of the houses were destroyed by the flood. She said the 9<sup>th</sup> ward was made up of 67% African American. All the public transportation was destroyed. It was hard to find food and shelter through that time. They experienced the people in the neighborhood. People were frustrated over how the media depicted their neighborhoods as violent; they didn't see that at all. The found people were unbelievably gracious. Some of the projects they were working on were being shown on the screen. Avery Mackenzie said they the reason they went there was to do all they can to help these people.

Jake Gostanian referred to the finished house where they were working. The house was empty because they had to take everything out. He said when they got there the house was filled with everything belonging to the family. They collected everything up and took it out front and piled it up on their front lawn.

VI. Citizens Petitions and Presentations (Cont.)

A. Presentation on New Orleans Trip (Cont.)

He said that people wanted to come back to the 9<sup>th</sup> ward but couldn't go back because they can't get their insurance money, FEMA money, because some of stipulations to getting the money is you have to get your house gutted to show you are committed to coming back. That cost from \$10-15,000 to get a house cleaned out. People are struggling with coming back emotionally, physically and

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financially.

Mr. Fahey noted that it was about 110 degrees in the house when they were cleaning out the houses. There was a lot of mold and they finished the house in 2.5 days. They learned a lot about construction as well. It is reported that 280,000 people are misplaced in New Orleans.

John Baroni said that one of the other projects they worked on was to restore the Bayou. They went down to the Bayou in the 9<sup>th</sup> ward and took out dead trees sitting in the water and pulled them out. They cut down any invasive species they found; and replanted a bunch of the native species that normally live around there to stimulate the environment. Another student said it was pretty disgusting work. The water was dirty and they didn't know what was in there. However, they felt it was well worth it and it made a difference getting out the trees. Mr. Fahey emphasized that this was all about volunteerism not to be told what to do every second but to step up to the plate and do what you can.

Ellis Hennegan said the local people threw them a feast after a long day of work one evening. Even though they lost everything they were still spirited people and it meant a lot to the people in the neighborhood. They also helped to save what was left of a park where they used to have a lot of functions and also helped clean two duplexes.

Mr. Fahey said they helped rebuild a Community Center. He said St. Mary's was an evacuation center; they had four floors of people staying there from all over the world. They helped feed the people and clean up. They worked from 6 a.m. to 1:00 p.m. every day.

Adrian Culver said that New Orleans is not getting better at the rate everyone is expecting it to. 280,000 people have left and not coming back anytime soon. When he went down there he thought after a year things must be getting better but it is not and there is still a lot of work that has to be done; tons of houses that have to be gutted. Also alarming was that a lot of stores were shut down around the area, evacuated by the people. Gas stations closed; convenient stores abandoned. The poor people are not getting the help they need. It will be a while before things get better and they need everyone's help.

Kevin Hess said it was still possible to contribute to this effort. They need help with the labor, houses need to be gutted, and other work needs to be done but also, you can make a financial contribution to Common Ground or any other organization. You can send them equipment, tools.

Before closing the group showed and chanted the cheer they did every day signifying their values and what was important when they went to New Orleans. They received a loud round of applause.

VI. Citizens Petitions and Presentations (Cont.)

A. Presentation on New Orleans Trip (Cont.)

Chairman Vispoli thanked Mr. Fahey and the group for what they have done and for representing Andover well.

Mr. Fahey thanked everyone for the opportunity to share this with the Board.

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VII. Public Hearings

A. National Grid and Verizon New England, Inc.

A public hearing was held to hear the request of National Grid and Verizon New England, Inc. for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

- Whittier Street at Elm Street - approximate location shown on Plan No. 177113 dated 9/6/06.

The request has been reviewed and approved by the Department of Public Works with the condition that a street opening permit must be obtained from the Department of Public Works prior to any construction.

John Butler, representing National Grid, appeared before the Board to explain the request. He said this pole would take the place of the tree that is being removed that was supporting an anchor in the tree. This is at the request of Brian Moore, Town Engineer.

Mary McQuade, 75 Elm Street, complained about two huge stumps near this site with power lines resting on it. Mr. Butler said he would look into it. The Manager said that Ms. McQuade's concern has nothing to do with this request except that the tree is in front of her house. Chairman Vispoli asked for a report back on this that Mr. Butler said he would do. Mrs. McQuade said she had no problem with this request.

It was moved by Selectman Hess that the Board approve this request subject to the request of neighbor to have them look at additional work that may have to be done in the area. The motion was seconded by Selectman Lyman, voted and approved 5-0.

VIII. Old Business

A. Chestnut Street Design

Chairman Vispoli said that a couple of weeks ago they asked the Town Manager to look at Chestnut Street and make an assessment of the new design in the street they constructed there. One of the things they discussed was taking the 90-degree curb cuts and bringing them down to 45; that would hopefully save some tires if someone hits that. The Manager said Jack Petkus, Director of Public Works, was looking into that and seeing what the cost will be.

VIII. Old Business (Cont.)

A. Chestnut Street Design (Cont.)

The Manager explained further that after the Selectmen's meeting two weeks ago, representatives of the Department of Public Works, Jack Petkus, Director and Brian Moore, Town Engineer, the project Manager of that site, Police Chief Pattullo and Lt. James Hashem and Police Safety Officer Robert Cronin walked the site observing the traffic movements and patterns. They spent time watching trucks and buses maneuver through there. They also had the opportunity to talk to people there who were there both for and against the changes. They noticed that there was quite a bit of cell phone use and drivers veering over the

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yellow line. He said the 11 feet lanes are quite appropriate for traveling lanes and the chicanes cause people to slow down to 25 miles an hour. The Manager said they are going to request to reduce the speed limit from 30 to 25 through that stretch.

Chairman Vispoli said he had a memo from the Town Manager basically saying they wanted to leave this as it is for the winter and spring. During that time, they will look at traffic data and accident information that will come in and monitor it closely and see what they come up with. Chairman Vispoli said he would like a report back on this by early December.

Selectman Hess said that after testing it himself, he found if you drive less than 30 mph there is no trouble. He said that many hours of citizen's time and staff time were taken to design this. They had 2 public hearings and numerous on site meetings. He felt no changes should be contemplated without a public hearing.

B. Interviews for Andover Housing Authority Board

Chairman Vispoli said the Board of Selectmen and the Andover Housing Authority are going to conduct interviews this evening with four candidates to fill the vacancy on the Andover Housing Authority Board. Present from the Andover Housing Authority present were: James A. Cuticchia, Chairman, Francis A. O'Conner, Calvin A. Deyermond, Daniel T. Grams. and Executive Director Christine Metzemaekers. He then turned this process over to Selectman Mary Lyman who has been working with Francis O'Connor to go through the process they have gone through up to today and what they are going to go through tonight. Mr. Cuticchia said they would want the Board to vote this evening to fill this vacancy. He said there was only two months left to this term and would like to get this person on board.

Selectman Lyman thanked the four candidates who were here this evening as well as Frank O'Connor who has been working on reviewing the applications. She said they had 8 very accomplished individuals who applied for this position. They were very much impressed with all the applicants and are now down to four people who will be interviewed this evening. She said that each interview would last ten minutes. The following candidates were interviewed by both Boards:

- Michael A. Gerstein, 5 Arthur Road, an attorney from Haverhill involved in real estate, who has lived in Andover since 1979 and felt this would be a wonderful opportunity to utilize some of the gifts he has had to be able to live in Andover and give back to some degree.

VIII. Old Business (Cont.)

B. Interviews for Andover Housing Authority Board (Cont.)

- Debra Rillahan, of Stonebrook Circle, lived in Andover for 14 years, works for the Town of North Andover with the Housing Authority and felt it would be nice to also work for Andover applying the experience she has had and having the time to do it now.
- Robert R. Thomas, 99 Lowell Street, has lived in Andover since 1999. He is a lawyer with a private practice. He read about the vacancy and wants to use his talents to keep affordable housing in Andover.

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- Janice Burkholder, 22 Arundel Street, works in the state house and involved with housing issues. Through her work she has become aware of affordable housing issues in Andover and the Housing Authority.

After all discussion on the interviews, Town Clerk Randy Hanson called for a roll call and the following votes were taken:

Board of Selectmen:

Chairman Vispoli	Debra Rillahan
Selectman Hess	Janice Burkholder
Selectman Lyman	Janice Burkholder
Selectman Major	Janice Burkholder
Selectman Teichert	Janice Burkholder

Andover Housing Authority:

James Cuticchia	Janice Burkholder
Francis A. O'Conner	Janice Burkholder
Calvin A. Deyermond	Janice Burkholder
Daniel T. Grams	Janice Burkholder

It was moved by Selectman Major that the Board of Selectmen select Janice Burkholder to fill the vacancy on the Andover Housing Authority. The motion was seconded by Selectman Teichert, voted and approved 5-0.

C. Coalition Bargaining

Selectman Teichert recused himself from this discussion. Chairman Vispoli said it was a year ago when they started discussing the Chapter 32B, Section 19, coalition bargaining process. Employees, Unions, interested parties from inside and outside Andover since then have had several different meetings. At the last meeting the Town's attorney gave a briefing with recommendations. He said they have taken it up as an important issue that affects the employees of the town and was here tonight to take a vote. Board members were asked if they were ready to take a vote on this.

Selectman Major said that one of comments that was made was that there was additional information beyond what they have heard which folks did not have a chance to present to the Board. If there is additional information, he said it would be good to hear that. Hearing that, Chairman Vispoli asked if there was any new information to present.

VIII. Old Business (Cont.)

C. Coalition Bargaining (Cont.)

James Cuticchia, 127 Greenwood Road, on behalf of the retirees, requested the opportunity to have a meeting with the Board to make a complete presentation on Section 19, Chapter 32B. He said the employees are asking to put an hour aside so they can make a presentation on the benefits of Section 19. This would allow them to discuss some of the changes that are being worked out in the State House relative to Section 19 and also provide them the ability to answer questions the Selectman may have before coming to a decision. He did not think there was any harm to the Town not taking any action at this time. Mr. Cuticchia said he appreciated the Board's consideration of this request.

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Tom Meyers, President of the Andover Education Association, reiterated what Mr. Cuticchia's request. He said they have talked to lobbyists for the Massachusetts Teacher's Association and they are going to push for legislation to have Section 19 work. He said it has worked in other towns and savings were essential and quality of health care has been maintained. The idea for the legislation is that it will become more user friendly for the town governments to look at. He is hoping to have the legislation move forward by the spring. Mr. Meyers asked the Selectmen to wait and see what the legislation does and to consider Mr. Cuticchia's request for an open meeting to have further discussion. He said many of them did not receive notification of the last meeting and asked the Board to withhold going forward with the vote this evening. He thanked the Board for their time.

In answer to Selectman Lyman, the Manager said that if the Selectmen did vote this evening nothing would prohibit them from revisiting this issue. Selectman Hess wondered what happened with the Insurance Advisory Committee and asked why not do this as an advisory process rather than tying their hands. He said he needed more information about that. Also, he wondered why they needed to separate the health benefits from the rest of the issues in negotiations. He said he didn't know there are changes in the legislation; if there were, he would like to see them. Selectman Hess said he would like to wait if they can and see what happens. Selectman Major agreed with that. He felt they should sit down after those changes in the legislature are put in place and they get all the information. He did not feel it was necessary they take action one way or another this evening. Selectman Hess felt they should have the presentation Mr. Cuticchia is talking about and that it should include the information about the proposed changes in the legislature.

Candace Hall, Director of Human Resources, said the legislation might not act until June. The Selectmen may want to move on closing down those contracts quicker than waiting for the legislation. She said they can continue with the volunteer process bring all the groups together and discuss options with the medical benefits. She felt it was important that the unions in negotiations continue to talk about it and that the cost of health insurance, salaries and insurance should be all tied together.

Selectman Lyman said that as opportunities present themselves and as they move forward they will create opportunities for the retirees to be included. Ms. Hall said the Insurance Advisory Committee does provide for retiree's recommendations. Barbara Morache, President of the Independent Employees Association, asked when was the last meeting of the Insurance Advisory Committee was because she thought they have been defunct.

**VIII. Old Business (Cont.)**

**C. Coalition Bargaining (Cont.)**

Ms. Hall answered that they put them on hold until negotiations were complete. It was pointed out that the last meeting was in 2004.

The Manager said that even though the Insurance Advisory Committee may not be meeting it does not mean that they haven't been working with Blue Cross and Blue Shield. Blue Cross Blue Shield has been working with the Town employees to advocate for the programs they offer. Mr. Torrisi offered a clarification of what an Insurance Advisory Committee is. He said it has no decision-making authority and can't implement even its own recommendations and has to go through the collective bargaining process. The procedure they work with now is individual collective bargaining. That is why there was a hiatus continuing to meet with the



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Insurance Advisory Committee. They had come to an end of the road on major issue of co pays, etc. As far as he knows, Mr. Torrisi said the legislation has not yet been filed and he felt there was no harm done voting either way. His personal preference was to wait. He said they were looking for some direction from the Selectmen how to work with the Insurance Advisory Committee; that is if they would want to go forward with Section 19 or not. Chairman Vispoli said that was what they were going to do this evening and understands they need an answer. His goal has been to take a vote on this.

Charles Croteau, 71 Woburn Street, said he was an employee of the town and asked the Board to take the time to give an hour with them to hear what they have to say. Tom Meyers said the discussion at the last Selectmen's meeting was just an introduction. It was a small agenda item and discussed late at night. They wanted to have a full presentation. They are asking the Board to not take a vote this evening and to do more research. Mr. Meyers said the employees sitting here this evening represent all of the unions in town as well as the taxpayers of Andover and deserve that of the Board, to take a little more time and reflect about this.

Ms. Hall noted that many of the efficiencies made by other communities, Andover has already done. For example, they are going to consolidate their risk pool, Andover has already done that. In fact, Andover has already done what other communities have not done yet. They have made their co pays under industry standards; they have done a lot to look at how they can make effective savings. She asked that they look at specifics and find out what other plan design changes people are proposing that would save money.

Daniel Guillet, 31 Wolcott Avenue, asked the Selectmen to consider delaying the motion tonight, meet with the unions and take the vote next time. Selectman Lyman said she has interest in having the Insurance Advisory Committee act in a more active way and would like to get an update on the legislation. She hears what is being said this evening but not sure they will get more information then they have already heard. Selectman Hess said he felt if there is information they haven't heard yet, he was willing to wait for it. Selectman Major suggested they check with their local delegation and ask them if there was anything new to be enacted in the near future.

**VIII. Old Business (Cont.)**

**C. Coalition Bargaining (Cont.)**

Hearing this, Chairman Vispoli said they would discuss this further at their meeting of the 23<sup>rd</sup> of October and invite their local delegation to be present. He felt it would be good to get the presentation in advance and would appreciate people that have new information, i.e., explain what is different, why other communities have benefited by it, etc., to get their presentation to the Town Manager. Firefighter John Hines was present from the Andover Firefighters Union and said he would get the information to the Town Manager by the 18th so he can get it to the Selectmen in their packets the Friday before. Retired Fire Chief William T. Downs said he felt it was proper for the Selectman to make a motion to postpone the vote until such time both sides meet. With no further discussion, Chairman Vispoli thanked everyone for coming.

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IX. New Business

A. Warrant for the November 7, 2006 State Election

It was moved by Selectman Major that the Board sign the Warrant for the November 7, 2006 State Election. The motion was seconded by Selectman Lyman, voted and approved 5-0.

B. "Trick-or-Treat" Hours

It was moved by Selectman Lyman that the Board set the date and time for "Trick-or-Treat" as Tuesday, October 31, 2006 from 5:00 P.M. to 7:00 P.M.

The motion was seconded by Selectman Hess, voted and approved 5-0.

C. Capital Improvement Program Requests for FY-2008 - FY-2012

The Board was given the preliminary list of Town Capital Improvement Program requests for FY-2008 - FY-2012 prepared by the Town Manager. The Manager said this is a preliminary list and that the staff will start meeting tomorrow and Thursday afternoons to review them. After they review them, he said that Tony Torrisi, Steven Bucuzzo and himself would meet with Department Heads individually to refine their requests. He asked the Selectmen to look for any issues they may have forgotten.

Selectman Hess asked if there are any security items in the CIP, i.e., cameras, etc. for the schools. The manager said he would look into that. Selectman Major asked if the plan is to rebuild the Ballardvale Fire Station on its present site. The Manager said in discussions over the years, they have talked about having it on another site. Selectman Hess asked if the \$4 million includes study money. Typically, the Manager said that on projects of this size they spend a year or two with a study. He said he would see if that includes study money. Selectman Hess said he wants to hear more about DPW-10 and the \$2 million for road maintenance. On DPW-13, New Sidewalks, he felt they need a process for determining where they are going to put the sidewalks; he felt they need some discussion this year on new sidewalks.

The Manager said he would be asking the folks with CIP Citizen Requests to come in at the November 6 meeting to state their case.

IX. New Business (Cont.)

C. Capital Improvement Program Requests for FY-2008 - FY-2012 (Cont.)

Don Robb asked the Town Manager what the general policy was as to how much of their budget should be invested in the CIP and how close were they in doing that. The Manager replied that the policy is 2% of the General Fund revenues. They have been under that. Mr. Robb asked if there was any possibility this year they would consider at least maintaining the 2%. Mr. Torrisi said that when they release the Town Manager's CIP, they would use the Board of Selectmen's 2% goal.

X. Approval of Minutes from Previous Meetings - 10:25 P.M.

It was moved by Selectman Lyman that the Board approve the minutes of September 25, 2006 - Regular Meeting. The motion was seconded by Selectman Hess. After a correction was made, the motion was voted and approved 5-0.

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It was moved by Selectman Lyman that the Board approve the minutes of the October 3, 2006 - Special Meeting. After a correction was made, the motion was seconded by Selectman Hess, voted and approved 5-0.

Selectman Lyman thanked the two secretaries who took these minutes. She said it was not an easy task and appreciated having them.

XI. Adjournment - 10:05 P.M.

It was moved by Selectman Major that the Board close the Regular Meeting of the Board of Selectman at 10:05 p.m. The motion was seconded by Selectman Lyman, voted and approved 5-0.

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Elizabeth A. Kochakian  
Recording Secretary